



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,850	11/13/2000	Raj Bridgelall	1000	8597

7590 02/03/2004

Kirschstein Ottinger Israel & Schiffmiller P C  
489 Fifth Avenue  
New York, NY 10017-6105

EXAMINER

ST CYR, DANIEL

ART UNIT PAPER NUMBER

2876

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

25

**Office Action Summary**

Applicati n No.

09/711,850

Applicant(s)

BRIDGELALL, RAJ

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24, 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/28/03 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppert et al, US Patent No. 5,640,002, in view of the applicant admitted prior art.

Ruppert et al disclose a portable RF ID tag and bar code reader comprising: a support 298 having a predetermined form factor; an RF reader 314 supported by the support, and operative for interrogating an RF resonant element 315 associated with a target by transmitting RF energy to the resonant element, and for reading RF data relating to the target from the interrogated element by detecting RF energy transmitted by the resonant element; and a magnetic stripe reader (magnetic head) (col. 17, line 13) supported by the support, and operative for sensing magnetically encoded data in a stripe card and reading the encoded data (see figures 16, 19, 10; col. 17, line 8+, col. 21, line 63 col. 22), wherein the support includes a printed circuit board on

Art Unit: 2876

which electrical circuit component for the RF and stripe readers are mounted, the magnetic stripe reader includes sensor, wherein the RF reader and magnetic reader are supported within the support (see figure 16, 19; col. 17, line 8+), and wherein the RF reader has a receiving antenna and a transmitting antenna for sending and receiving RF data (see figure 44) and the RF and magnetic readers generate digital signals and share a common central processing unit and common digitizer (see figures 16, 19).

Ruppert et al fails to disclose or fairly suggests that the support has a parallelepiped shape having a planar base and printed circuit board elevated and generally parallel to the base.

The applicant discloses that having a support that has a parallelepiped shape measuring 1-1/2 inches in length, 1 inch in width, and 3/4 of an inch in height is considered a standard form factor and well known in the art. (see page 2, lines 1-3).

In view of the applicant disclosure, it would have obvious for a person of ordinary skill in the art at the time the invention was made to employ the well known support structure in the system of Ruppert et al in order to facilitate system construction. Such modification would make manufacturing easier by using standard parts that could be purchased of the shelf and would also provide greater flexibility in maintaining the system. With respect to having a planar base and a circuit board elevated and generally parallel to the base, such arrangement falls within the engineering design choice, failing to provide any unexpected results Therefore, it would have been an obvious extension as taught by Ruppert et al.

#### ***Response to Arguments***

4. Applicant's arguments filed 12/28/03 have been fully considered but they are not persuasive. (see examiner remarks).

Art Unit: 2876

**REMARKS:**

In response to the applicant's argument that each peripheral is commercially available, each produces a digital output to the microprocessor 320, the examiner respectfully disagrees. For instance, the bar code engine 322 is connected to the microprocessor, the scan engine produces raw data to the microprocessor, the display 328 is controlled by the microprocessor, etc. These peripherals do not contain their own personal digitizer. The applicant argument is not persuasive. Refer to the rejection above.

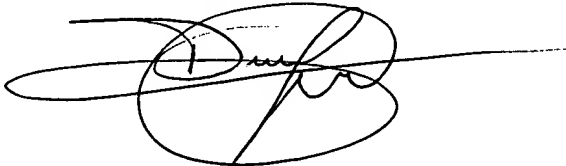
***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 7571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7721.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr  
Primary Examiner  
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', with a long horizontal line extending to the right.

DS  
January 20, 2004